

AMENDED AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, JUNE 20, 2013
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.

There will be a pre-meeting of the City Council at 6:30 p.m. in Conference Room A. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

PRESENTATION - Recognition of Michael Murphy by the Augusta Fire Department

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA

CONSENT AGENDA

All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

13-100 Manager (Bureau of City Clerk)

ORDERED, That the minutes of the City Council meeting held June 6, 2013, submitted by the City Clerk, be approved.

13-101 Mayor Stokes

ORDERED, That Charlene M. Hamiwka be reappointed to the Greater Augusta Utility District; said term to expire on July 2, 2016.

13-102 Mayor Stokes

ORDERED, That Stephen J. Roberge be reappointed to the Greater Augusta Utility District; said term to expire on July 31, 2016.

NEW BUSINESS

PART 1 – ORDERS

13-103 Councilors Bilodeau, Byron and Rollins

ORDERED, That the City Council accept the bids on the following tax acquired properties.

30 State Street Map 34, Lot 212

Lot Size: .14 acres Value: \$1,700.00 Bid: \$2,025.00

Bidder: Maine Property Rentals

82 ½, 84 & 86 Northern Avenue Map 35, lots 276, 277 & 278

Lot Size: .17 acres Value: \$4,700.00 Bid: \$600.00 Bidder: Larry Fleury

18 Morton Place and 25 Laurel Street Map 34, lots 242 & 236

Total Lot Size: .11 acres Total Value: \$2,500.00 Bid: \$400.00
Bidder: Larry Fleury.

BE IT FURTHER ORDERED, That the net proceeds of each sale be contributed to the Lithgow Library Building Fund.

13-104 City Manager

ORDERED, That the City of Augusta property taxes for the 2014 fiscal year shall be due and payable at the Office of the Tax Collector as follows:

- ONE HALF shall be due on September 12, 2013
- ONE HALF shall be due on March 13, 2014

BE IT FURTHER ORDERED, That interest is charged on any outstanding amount commencing one (1) day after the due date at the rate of 7% per annum.

13-105 Manager (Police Department)

BE IT ORDERED, That the City Council does hereby grant approval pursuant to Title 15 of the Maine Revised Statutes Annotated, section 5824(3) & 5826(6) to the transfer of \$2,370.00, or any portion thereof to the Augusta Police Department, on the grounds that the City of Augusta Police Department did make a substantial contribution to the investigation of the criminal case, namely, State of Maine vs. Shenika Boyd.

13-106 City Manager

BE IT ORDERED, That in accordance with the City of Augusta Code of Ordinances, Appendix A, Land Use Ordinance Section 5.1.15.1.A.1.o, the City Council authorizes the City Manager to modify the hours of work of the contractors retained by the Greater Augusta Utility District to work on GAUD's infrastructure on Riverside Drive and School Street. Modified work hours for these two projects are for specific areas of the job where doing this work at night is beneficial to public safety and allows the contractor to more efficiently get work done in critical areas. Times to be determined based on the Contractor's schedule/needs and approved by the City Manager.

13-107 Councilors Bilodeau and Paradis

BE IT ORDERED, That an amount not to exceed \$5,000 is hereby authorized to be expended from the Mill Park Special Revenue Fund account for the purchase of two (2) gates.

13-108 City Council

BE IT ORDERED, That the City Manager is authorized to accept a federal Assistance to Firefighters Grant for self contained breathing apparatus (SCBA) in the amount of \$129,029.

BE IT FURTHER ORDERED, That the local match in the amount of \$6,791 be hereby appropriated from the Public Safety local match reserve.

13-109 City Manager

BE IT ORDERED, That the City Manager is authorized to execute an agreement with the Teamsters Local Union 340, Augusta Civic Center Maintenance Unit. Term of the agreement is July 1, 2013 to June 30, 2014.

BE IT FURTHER ORDERED, That the City Manager is authorized to execute an agreement with the Augusta Public Works Department Local 1458, Council #93, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO. Term of the agreement is July 1, 2013 to June 30, 2014.

13-110 City Manager

BE IT ORDERED, That the Excavation & Street Opening Policy, Section 4 be revised to read:
E. No street opening permits, except for emergencies or for specially approved projects, will be issued during the winter (typically December 1st to March 15th) when the asphalt plants are closed unless specifically approved by the Director of Public Works.

BE IT FURTHER ORDERED That Section 8 be revised to read:
To maintain the best travel surface feasible, there shall be no excavation on newly paved streets for a period of five (5) years except in emergency situations or for specially approved projects. If an excavation must be done within the five (5) year moratorium, the City may issue a permit and require special restoration to insure the disturbed area is returned to original or better condition. The moratorium can be waived by the City Manager upon recommendation by the Director of Public Works.

13-111 City Council

BE IT ORDERED, That the City Manager is authorized to accept an MMA Safety Grant for ICE/WATER Rescue Equipment in the amount of \$1,749.33.

BE IT FURTHER ORDERED, That the local match in the amount of \$874.67 be hereby appropriated from the Public Safety local match reserve.

NEW BUSINESS (Con't)

PART 2 – ORDINANCE BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

13-112 City Manager (Fire Department)

WHEREAS, the City Council has held multiple informational meetings on the proposed addition of a "Private Hydrants" ordinance; and

WHEREAS, the Chief of the Fire Department recommends the ordinance is essential for public safety; and

WHEREAS, the City Council finds that the proposed Private Fire Hydrants ordinance will enhance public fire protection as well as maintain annual testing and reporting for private fire hydrants.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta, that the City book of ordinances, Section "Private Hydrants", be added as outlined in the following:

Section I. AUTHORITY

The following ordinance is promulgated in order to regulate the inspection, testing, maintenance, correction, and repair of fire hydrants located on private property in the City of Augusta and

those fire hydrants located in the rights of way of public highways of the City of Augusta that the Greater Augusta Utility District does not own.

Section II. PURPOSES

The purposes of this Ordinance are to:

Provide standards and requirements for the inspection, testing, maintenance, correction, and repair of fire hydrants located on private property of the City of Augusta, as well as fire hydrants located in the rights of way of public highways in the City of Augusta that are not owned by the Greater Augusta Utility District.

Ensure that every private fire hydrant to which the Fire Department of the City of Augusta or other municipal fire department connects in the event of a fire or other emergency will function as designed to produce the water necessary to respond appropriately to the fire or other emergency. Protect the public health, safety and general welfare of the City of Augusta.

Section III. DEFINITIONS

- 1) EMERGENCY IMPAIRMENT – A condition where a private fire hydrant is out of service due to an unexpected occurrence, such as frozen or ruptured hydrant components or an interruption of the water supply to the system.
- 2) FIRE DEPARTMENT – The Fire Department of the City of Augusta.
- 3) HYDRANT – A private fire hydrant as defined below.
- 4) IMPAIRED HYDRANT – A private fire hydrant which is not operational due to an emergency impairment or a preplanned impairment.
- 5) IMPAIRMENT – A shutdown of a private fire hydrant which renders the hydrant non-operational and therefore out of service.
- 6) IMPAIRMENT TAG – A tag affixed to a private fire hydrant to indicate that the hydrant is out of service. The Fire Department may determine the requirements of an impairment tag and the means and location of its attachment to a hydrant.
- 7) INSPECTION – An examination of a private fire hydrant to verify that it appears to be in operating condition and is free from physical damage.
- 8) MAINTENANCE – Work performed to keep a private fire hydrant operable or to make repairs.
- 9) NFPA STANDARD – Publication 25 of the National Fire Protection Association (NFPA) titled Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems 2002, and any subsequent amendments or revisions thereto.
- 10) OWNER – The person that holds record title to the property upon which a private fire hydrant is located. For fire hydrants located in the right of way of a public highway in the City of Augusta that are not owned by the Greater Augusta Utility District, the owner is the person that owns the fire hydrant itself.

- 11) OWNER'S DESIGNEE - Where the owner is not the occupant of the premises upon which a private fire hydrant is located, the occupant, management firm, or managing individual designated by the owner through specific provisions in the lease, written use agreement, or management contract owner to assume the responsibility to inspect, test, and maintain, correct and repair a private fire hydrant located on the owner's property.
- 12) PERSON - Any institution, public or private corporation, individual, partnership, or other entity.
- 13) PRE-PLANNED IMPAIRMENT – A condition where a private fire hydrant is out of service due to work that has been planned in advance.
- 14) PRIVATE FIRE HYDRANT – A valved connection to a water main for the purpose of supplying water to a fire hose or other fire protection apparatus and that is not located within the right of way of a public highway of the City of Augusta. A private fire hydrant also includes any fire hydrant located in a right of way of a public highway in the City of Augusta that is owned by any person other than the Greater Augusta Utility District.
- 15) QUALIFIED – Having knowledge of the installation, construction, operation, maintenance, correction or repair of a fire hydrant and the hazards involved.
- 16) RECORD – Written documentation of the inspection, testing, maintenance, correction, or repair of a private fire hydrant.
- 17) SHALL – Indicates a mandatory requirement.
- 18) TESTING – A procedure of periodic physical and operational checks used to determine whether a private fire hydrant is capable of being operated as intended and will perform as intended, e.g. water-flow tests. These tests follow up on the original tests at intervals specified in this Ordinance.

Section IV. GENERAL REQUIREMENTS

- 1) Responsibility for properly maintaining a private fire hydrant shall be that of the owner of the property or the owner's designee.
 - a. Where the owner of a private fire hydrant has designated an occupant, management firm, or managing individual, through specific provisions in the lease, written use agreement, or management contract, to be responsible for the inspection, testing and maintenance of a private fire hydrant in accordance with this Ordinance, the owner's designee shall comply with the requirements of this Ordinance and shall be subject to enforcement of this Ordinance in the event of a failure to so comply.

- 2) By means of periodic inspections, tests, maintenance, correction, and repair, every private fire hydrant shall be maintained in proper working condition, consistent with this Ordinance, the NFPA Standard, and the manufacturer's specifications or recommendations.
- 3) Inspection, testing, maintenance, correction and repair shall be implemented with the procedures meeting or exceeding those established in this Ordinance and the NFPA Standard, and shall be in accordance with the manufacturer's specifications or recommendations. This Ordinance shall control in the event of a conflict among any of the aforementioned applicable standards. Inspection, testing, maintenance, correction, and repair shall be performed by qualified maintenance personnel or a qualified contractor.
- 4) The owner or owner's designee shall notify the Fire Department of the City of Augusta and the Greater Augusta Utility District before testing or shutting down a private fire hydrant or its water supply.
 - a. This notification shall include the purpose for the shutdown, the private fire hydrant involved, and the estimated time that the hydrant will be impaired.
- 5) The owner or owner's designee shall notify the Fire Department and the Greater Augusta Utility District when the private fire hydrant is returned to service.
- 6) The owner or owner's designee shall, within thirty (30) days, correct or repair any deficiencies, damaged parts, or impairments found while performing the inspection, testing, and maintenance requirements of this Ordinance.
- 7) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments of any private fire hydrant of which the owner or owner's designee has knowledge or, in the exercise of reasonable care, ought to have knowledge.

Section V. INSPECTION, TESTING, MAINTENANCE, CORRECTION and REPAIR

This section provides the minimum requirements for the routine inspection, testing, maintenance, correction, and repair of private fire hydrants. These functions shall be permitted to be carried out simultaneously.

- 1) On or before November 1 of each year, the owner or the owner's designee shall inspect, test, maintain, and if necessary, correct, and repair each private fire hydrant to ensure proper functioning, with the necessary repair or corrective action taken as shown in Table 1. Records of these actions will be recorded pursuant to Section VII of this Ordinance.
 - a. The owner or owner's designee shall also conduct an inspection of a private fire hydrant after each operation of the hydrant.

2) Opening and closing hydrants too fast can have the potential of causing some major problems as well as stir up discolored water. Designees acting or testing a hydrant on behalf of the hydrant owner shall register with the Greater Augusta Utility District. Testing of any private fire hydrant as outlined in this ordinance requires 24 hour notification to the Greater Augusta Utility District.

3) When conducting a test of a private fire hydrant, the hydrant shall be opened fully and water flowed until all foreign material has cleared.

b. Flow shall be maintained for not less than one (1) minute.

4) Private fire hydrants shall be lubricated annually to ensure that all stems, caps, plugs, and threads are in proper operating condition.

5) Private fire hydrants shall be kept free of snow, ice, or other materials and protected against mechanical damage so that free access is ensured.

6) The owner or the owner's designee shall repair as soon as possible a private fire hydrant which is impaired or otherwise does not function as required by this Ordinance, the NFPA Standard, or the manufacturer's specifications.

c. After completing all necessary repairs to a private fire hydrant, the owner or the owner's designee shall inspect and test the hydrant as necessary consistent with the standards of this Ordinance, including without limitation Table 1, to ensure that the hydrant is operational.

Section VI. IDENTIFICATION AND NOTIFICATION OF IMPAIRED HYDRANT

1) The owner or owner's designee shall notify the Augusta Fire Department and the Greater Augusta Utility District in advance of a preplanned impairment of a private fire hydrant.

2) The owner or the owner's designee shall notify the Fire Department immediately of an emergency impairment of a private fire hydrant.

3) The owner or owner's designee shall affix an impairment tag approved by the Augusta Fire Department to an impaired hydrant at the commencement of a preplanned impairment and at the time of discovery of an emergency impairment.

4) Once the necessary inspection and testing confirm that repairs have restored a private fire hydrant to operational status, the owner or the owner's designee shall remove the impairment tag and shall notify the Augusta Fire Department and the Greater Augusta Utility District that the hydrant is operational.

Section VII. RECORDS

1) Records shall indicate the procedure performed to inspect, test, maintain, correct, and repair a private hydrant. Such records shall include the organization that performed the

work, the results, the date work was performed, and other pertinent information as the Fire Department shall require.

- 2) Records shall be maintained by the owner or the owner's designee.
- 3) By December 31st of each calendar year, the owner or owner's designee shall submit to the Fire Chief of the City of Augusta a record documenting the annual inspection, test, maintenance, correction and repair of each private fire hydrant and its components.
- 4) The owner shall retain the **original purchase, installation and maintenance records** of a private fire hydrant for the life of the private fire hydrant.
- 5) Inspection records shall be retained for a period of one year after the subsequent annual inspection required by this Ordinance.

Section VIII. ENFORCEMENT VIOLATIONS and PENALTIES

- 1) A civil penalty of not more than \$100 may be imposed for a violation of this Ordinance. Each week that the violation continues shall constitute a separate violation of this Ordinance.
- 2) Corporation Counsel may file a complaint to recover civil penalties for violations of this Ordinance.
- 3) Other Relief - In addition to the enforcement procedures available, the City of Augusta may pursue any remedy authorized by law, including without limitation, the maintenance of a civil action in superior court to obtain injunctive and other appropriate relief.

1 FIRE HYDRANT INSPECTION, MAINTENANCE AND REPAIR

Condition: Hydrant is inaccessible.

Remedy: Make accessible.

Condition: Barrel contains water or ice (presence of either could indicate a faulty drain, a leaky hydrant valve, or a high groundwater table)

Remedy: Repair and drain; for high groundwater it could be necessary to plug the drain and pump out the barrel after each use

Condition: Improper drainage from barrel

Remedy: Repair drain

Condition: Leaks at outlets or at top of hydrant

Remedy: Repair or replace gaskets, packing, or parts as necessary

Condition: Cracks observed in hydrant barrel.

Remedy: Repair cracks or replace barrel.

Condition: Tightness of outlets

Remedy: Lubricate if necessary, tighten if necessary

Condition: Worn nozzle threads

Remedy: Repair or replace worn hydrant operating nut

Condition: Availability of operating wrench

Remedy: Make sure wrench is available

Condition: Cracked or peeled paint, exposed rust unpainted metal

Remedy: Remove rust, paint hydrant as necessary

13-113 Councilors Byron and Rollins

BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That chapter 18, section 41 Heavy trucks prohibited on certain streets; exception for city vehicles, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following under subpart (b):

Macomber Avenue, entire length

OTHER BUSINESS

Enter into an executive session to discuss a personnel matter; 1 M.R.S.A. §405(6)(D).

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Tina Charest, Deputy City Clerk
June 18, 2013